

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) Section 191/192**

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF  
LAWFUL DEVELOPMENT**

Reference no.: 2024/CL/90894/E

Site: 251, Whitechapel Road, Scholes, Cleckheaton,  
BD19 6HN

Description: Certificate of lawfulness for proposed loft  
conversion and rear dormer extension and rooflight

Case Officer: Jennifer Booth

**Decision Reference: PROPOSED OPERATIONS GRANT**

**I hereby authorise the approval of this application for the reasons set  
out in the officer's report and recommendation annexed below in  
respect of the above matter.**

Kevin Walton

**AUTHORISED OFFICER**

**Date 22-May-2024**

<b>Reference:</b>	2024/CLD/90894/E
<b>Applicant: -</b>	Ria Lawton
<b>Location: -</b>	251, Whitechapel Road, Scholes, Cleckheaton, BD19 6HN
<b>Proposal: -</b>	Certificate of lawfulness for proposed rear dormer



### Site Description

251 Whitechapel Road is a brick built, detached dwelling located on a residential street with garden and drive to the front and a large, enclosed garden to the rear.

The property is located within a residential road with properties of a similar age although varying in terms of design.

### Application Proposal

The application is for a certificate of lawful proposed development for a rear dormer enlargement and rooflight. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The dormer would adjoin the roof over the rear extension and would have a width of 5.6m, a height of 2.2m and a depth of 3.7m.

Total roof enlargement = 22.79

### Relevant Planning History

2007/92367 – erection of ground floor extension - approved

### Consultations

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

## Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### **Assessment: -**

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990.
1. If so, whether Permitted Development rights apply to the property; and
2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class B (additions etc to the roof of a dwellinghouse) and Class C (other alterations to the roof).

The proposal comprises the formation of a dormer within the rear roof plane. Thus, the proposal constitutes the carrying out of building on and over land that would materially affect the external appearance of the existing building. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Classes B & C (enlargement, improvement or alterations of a house).

## Dormer Enlargement

### **Permitted development**

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

B.1 Development is not permitted by Class B if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **N/A**

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof; *The proposal does not exceed the existing height of the dwelling.*

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway; *The proposals would not extend beyond the existing roof slope on the principal elevation.*

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

*The dormer would adjoin the roof over the rear extension and would have a width of 5.6m, a height of 2.2m and a depth of 3.7m.*

*Total roof enlargement = 22.79*

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or **N/A**

(f) the dwellinghouse is on article 2(3) land. **N/A**

(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses; or **N/A**

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys). **N/A**

## **Conditions**

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated;

and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

### **Interpretation of Class B**

B.3 For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

B.4 For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

### Rooflight

Class C – other alterations to the roof of a dwellinghouse

C. Permitted development

*Any other alteration to the roof of a dwellinghouse.*

C.1 Development not permitted

Development is not permitted by Class C if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G M, MA, N, P, Por Q of Part 3 of this Schedule (changes of use); **N/A**

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; **-NO**

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; **NO**

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment[]; or **NO**

(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses). **N/A**

### **Conclusion**

The proposed rear dormer enlargement and rooflight at 251 Whitechapel Road would constitute permitted development as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraph B.2 of the same Order.

**Recommendation: GRANT certificate**

**Decision Authorisation - Delegated Powers**  
**Application Number:** 2024/90894  
**Officer Recommendation:** GRANT certificate

The proposed rear dormer and rooflight at 251 Whitechapel Road benefit from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as set out in paragraphs B.2 and C.2 of the same Order.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Web ID</b>	<b>Date Received</b>
Application form	-	1035730	27/03/2024
Existing plans	001	1035748	27/03/2024
Proposed plans	002	1035747	27/03/2024
Supporting statement	-	1035746	27/03/2024

**Report Dated** 20/05/2024